

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Dean, TM 5356, Log No. 04-14-005

August 17, 2006

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The project is in conformance with the MSCP and BMO. Refer to the MSCP Findings for additional information.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The project will obtain its water supply from the Helix Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:**

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

**Discussion:*****Wetland and Wetland Buffers:***

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. However, the site may contain jurisdictional resources covered by the California Department of Fish and Game and Army Corp of Engineers. The project has been conditioned to provide evidence that agency permits have been obtained or are not required. If permits are necessary, the project shall comply with agency conditions.

***Floodways and Floodplain Fringe:***

The project is not located near any floodway or floodplain fringe area as defined in the Resource Protection Ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

***Steep Slopes:***

The average slope for the property is less than percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County RPO. There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands. Therefore, the project is in conformance with the RPO.

***Sensitive Habitats:***

Biological resources on-site are identified in the biology report prepared by Pacific Southwest Biological Services, Inc. In summary, the site supports four habitat types:

Eucalyptus woodland (0.78 acres); Disturbed habitat (0.19 acres); Diegan coastal sage scrub (2.82 acres); and Non-native grasslands (0.75 acres). Surveys were performed in 2004 for the California gnatcatcher. The survey results were negative. No other sensitive plant or narrow endemic species were observed on-site. One sensitive animal species, the Orange throated whiptail, was observed off-site adjacent to the property and is expected to occur on-site. The proposed development will impact 2.61 acres of Coastal sage scrub, 0.70 acres of Non-native grasslands, 0.78 acres of Eucalyptus woodlands, and 0.19 acres of disturbed habitat. In addition, the drainage crossing the site will be placed within underground culverts. Project mitigation will result in the preservation of 3.91 acres of Coastal sage scrub and 0.35 acres of Non-native grasslands or equivalent Tier II and III habitat credits. Mitigation for direct and indirect impacts shall be met through the off-site purchase of 3.70 acres of Coastal sage scrub and 0.30 acres of Non-native grasslands, the on-site dedication of a 50-foot biological buffer (0.21 acres of sage scrub and 0.05 acres of grasslands), the on-site dedication of a 100-foot limited building zone, breeding season avoidance for the California gnatcatcher, a temporary noise wall during grading, temporary and permanent fencing, and open space signs. Permits from the Regional Water Quality Control Board (RWQCB), ACOE and CDFG will be required prior to project approval. Mitigation for wetland impacts will be determined by the respective agency. In addition, the on-site easements will protect the off-site preserved PAMA lands from project and future residential encroachment. Therefore, the project is in conformance with the RPO.

***Significant Prehistoric and Historic Sites:***

The County of San Diego staff archaeologist/historian has inspected the property, analyzed records, and determined there are no archaeological/ historical sites.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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Discussion:

The project Storm Water Management Plan received April 1, 2005 was reviewed for this project and appears to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

Even though the proposal could expose people to potentially significant construction noise levels (i.e., in excess of the County Noise Ordinance), the following temporary noise mitigation measure in the grading plans is proposed to reduce the noise impacts to applicable limits: A feasible sound attenuation barrier (Figure 5) was identified in the Grading Operations Noise Impact Evaluation prepared by Eilar Associates and dated March 30, 2005.

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